

SENATE BILL No. 240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1.

Synopsis: Public works procedures. Amends the statute governing local public works projects to state that a political subdivision or its agencies may: (1) participate in a utility efficiency program or may enter into a guaranteed savings contract as provided by law; and (2) enter into a design-build contract as permitted by law instead of awarding a public works contract. Provides that a "conservation measure" includes installation of insulation in a political subdivision's facility. (Under current law, the definition of "conservation measure" includes only insulation of school facilities.)

Effective: July 1, 2009.

Merritt

January 7, 2009, read first time and referred to Committee on Utilities & Technology.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 240

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-1-12-1, AS AMENDED BY P.L.168-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. (a) Except as provided in this section, this
4 chapter applies to all public work performed or contracted for by:
5 (1) political subdivisions; and
6 (2) their agencies;
7 regardless of whether it is performed on property owned or leased by
8 the political subdivision or agency.
9 (b) This chapter does not apply to an officer or agent who, on behalf
10 of a municipal utility, maintains, extends, and installs services of the
11 utility if the necessary work is done by the employees of the utility.
12 (c) This chapter does not apply to hospitals organized or operated
13 under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public
14 work is financed in whole or in part with cumulative building fund
15 revenue.
16 (d) This chapter does not apply to tax exempt Indiana nonprofit
17 corporations leasing and operating a city market owned by a political

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subdivision.

(e) As an alternative to this chapter, the governing body of a ~~school corporation~~ **political subdivision or its agencies** may **do the following:**

(1) Enter into a design-build contract as permitted under IC 5-30.

(2) Participate in a utility efficiency program or may enter into a guaranteed savings contract as permitted under IC 36-1-12.5.

(f) This chapter does not apply to a person that has entered into an operating agreement with a political subdivision or an agency of a political subdivision under IC 5-23.

SECTION 2. IC 36-1-12.5-1, AS AMENDED BY P.L.168-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this chapter, "conservation measure":

(1) means:

(A) a ~~school~~ facility alteration;

(B) an alteration of a structure (as defined in IC 36-1-10-2);

(C) a technology upgrade; or

(D) with respect to an installation described in subdivision

(2)(G) or (2)(H), an alteration of a structure or system;

designed to provide billable revenue increases or reduce energy or water consumption costs, wastewater costs, or other operating costs; and

(2) includes the following:

(A) Providing insulation of the ~~school~~ facility or structure and systems in the ~~school~~ facility or structure.

(B) Installing or providing for window and door systems, including:

(i) storm windows and storm doors;

(ii) caulking or weatherstripping;

(iii) multi-glazed windows and doors;

(iv) heat absorbing or heat reflective glazed and coated windows and doors;

(v) additional glazing;

(vi) the reduction in glass area; and

(vii) other modifications that reduce energy consumption.

(C) Installing automatic energy control systems.

(D) Modifying or replacing heating, ventilating, or air conditioning systems.

(E) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or

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1 replacing lighting fixtures to increase the energy efficiency of
2 the lighting system without increasing the overall illumination
3 of a facility or structure.

4 (F) Providing for other conservation measures that provide
5 billable revenue increases or reduce energy or water
6 consumption, reduce operating costs, or reduce wastewater
7 costs, including future:

8 (i) labor costs;

9 (ii) costs or revenues for contracted services; and

10 (iii) related capital expenditures.

11 (G) Installing equipment upgrades that improve accuracy of
12 billable revenue generating systems.

13 (H) Installing automated, electronic, or remotely controlled
14 systems or measures that reduce direct personnel costs.

15 (b) The term does not include an alteration of a water or wastewater
16 structure or system that increases the capacity of the structure or
17 system.

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